


Presented to the Court by the foreman of the
Grand Jury in open Court, in the presence of
the Grand Jury and FILED in the U.S.
DISTRICT COURT at Seattle, Washington.

December 13 20 22
Ravi Subramanian, Clerk
By  Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

MIKEY DIAMOND STARRETT a/k/a
MICHAEL JASON LAYES,

Defendant.

NO. CR21-5334-DGE

**SECOND SUPERSEDING
INDICTMENT**

The Grand Jury charges that:

COUNT 1

(Damage to Religious Property)

On or about March 19, 2018, in Thurston County, within the Western District of Washington, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES, intentionally defaced, damaged, and destroyed religious real property, specifically, the Kingdom Hall of Jehovah's Witnesses located in Tumwater, Washington, because of the religious character of the property.

It is further alleged that the offense was in and affected interstate and foreign commerce, and included the use of fire.

All in violation of Title 18, United States Code, Sections 247(a)(1) and (d)(3).

COUNT 2

(Using Fire to Commit a Felony)

On or about March 19, 2018, in Tumwater, Thurston County, within the Western District of Washington, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES knowingly used fire to commit a felony prosecutable in a court of the United States: *Damage to Religious Property*, a violation of 18 U.S.C. §§ 247(a)(1) and (d)(3), as alleged in Count 1 of this Second Superseding Indictment.

All in violation of Title 18 United States Code, Section 844(h)(1).

COUNT 3

(Damage to Religious Property)

On or about March 19, 2018, in Thurston County, within the Western District of Washington, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES, intentionally defaced, damaged, and destroyed religious real property, specifically, the Kingdom Hall of Jehovah's Witnesses located in Olympia, Washington, because of the religious character of the property.

It is further alleged that the offense was in and affected interstate and foreign commerce, and included the use of fire.

All in violation of Title 18, United States Code, Sections 247(a)(1) and (d)(3).

COUNT 4

(Using Fire to Commit a Felony)

On or about March 19, 2018, in Olympia, Thurston County, within the Western District of Washington, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES knowingly used fire to commit a felony prosecutable in a court of the United States: *Damage to Religious Property*, a violation of 18 U.S.C. §§ 247(a)(1) and (d)(3), as alleged in Count 3 of this Second Superseding Indictment.

All in violation of Title 18, United States Code, Section 844(h)(1).

COUNT 5

(Damage to Religious Property)

On or about May 15, 2018, in Thurston County, within the Western District of Washington, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES, intentionally defaced, damaged, and destroyed religious real property, specifically, the Kingdom Hall of Jehovah's Witnesses located in Yelm, Washington, because of the religious character of the property.

It is further alleged that the offense was in and affected interstate and foreign commerce, and included the use of a dangerous weapon, to wit: a 5.56 x 45mm caliber M4 Colt carbine semi-automatic rifle.

All in violation of Title 18, United States Code, Sections 247(a)(1) and (d)(3).

COUNT 6

(Use of a Firearm During and in Relation to a Crime of Violence)

On or about May 15, 2018, in Yelm, Thurston County, within the Western District of Washington, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES knowingly used and carried a firearm, that is: a 5.56 x 45mm caliber M4 Colt carbine semi-automatic rifle, during and in relation to a crime of violence for which defendant may be prosecuted in a court of the United States: *Damage to Religious Property*, in violation of Title 18, United States Code, Sections 247(a)(1) and (d)(3), as alleged in Count 5 of this Second Superseding Indictment.

It is further alleged that, in the commission of the offense, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES discharged the firearm.

All in violation of Title 18, United States Code, Section 924(c)(1)(A) and (c)(1)(A)(iii).

COUNT 7

(Damage to Religious Property)

On or about July 3, 2018, in Thurston County, within the Western District of Washington, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES, intentionally defaced, damaged, and destroyed religious real property, specifically, the Kingdom Hall of Jehovah's Witnesses located in Olympia, Washington, because of the religious character of the property.

It is further alleged that the offense was in and affected interstate and foreign commerce, and included the use of fire.

All in violation of Title 18, United States Code, Sections 247(a)(1) and (d)(3).

COUNT 8

(Using Fire to Commit a Felony)

On or about July 3, 2018, in Olympia, Thurston County, within the Western District of Washington, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES knowingly used fire to commit a felony prosecutable in a court of the United States: *Damage to Religious Property*, a violation of 18 U.S.C. §§ 247(a)(1) and (d)(3), as alleged in Count 7 of this Second Superseding Indictment.

All in violation of Title 18, United States Code, Section 844(h)(1).

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COUNT 9**(Unlawful Possession of an Unregistered Firearm)**

On or about September 8, 2021, in Thurston County, Washington, within the Western District of Washington, MICHAEL JASON LAYES a/k/a MIKEY DIAMOND STARRETT did knowingly possess a firearm, that is, a Remington 870 Express Magnum, 12-gauge shotgun, a weapon made from a shotgun having a barrel length of less than 18 inches and an overall length of less than 26 inches, which was not registered to him in the National Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(2).

ALLEGATIONS OF FORFEITURE

The allegations contained in Counts 1-9 of this Second Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture.

Upon conviction of any offense alleged in Counts 2, 4, and 8, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 844(c), 982(a)(2)(B), and 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any property constituting, or derived from, proceeds of the offense, as well as any explosive materials involved or used or intended to be used in the offense.

Upon conviction of the offense charged in Count 6, MIKEY DIAMOND STARRETT a/k/a MICHAEL JASON LAYES shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms and ammunition that were involved in the offense, including but not limited to the 5.56 x 45mm caliber M4 Colt carbine semi-automatic rifle identified in Count 6.

Upon conviction of the offense charged in Count 9, MICHAEL JASON LAYES a/k/a MIKEY DIAMOND STARRETT shall forfeit to the United States, pursuant to Title

26, United States Code, Section 5872, by way of Title 28, United States Code, Section 2461(c), any firearms involved in the offense, including the Remington 870 Express Magnum, 12-gauge shotgun identified in Count 9.

Substitute Assets. If any of the above-described forfeitable property, as a result of any act or omission of the defendant,

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or,
- e. has been commingled with other property which cannot be divided without difficulty,

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1 it is the intent of the United States to seek the forfeiture of any other property of the
2 defendant, up to the value of the above-described forfeitable property, pursuant to
3 Title 21, United States Code, Section 853(p).
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5 A TRUE BILL:


6 DATED: 13 December 2022

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8 *Signature of Foreperson redacted pursuant*
9 *to the policy of the Judicial Conference of*
10 *the United States.*

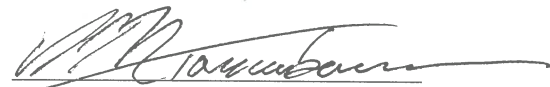
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12 FOREPERSON

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14 
15 NICHOLAS W. BROWN
16 United States Attorney

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

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19 TODD GREENBERG
20 Assistant United States Attorney

By:


Matthew Tannenbaum
Trial Attorney

21
22 
23 REBECCA S. COHEN
24 Assistant United States Attorney
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